

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES)	
)	No. CR 8-33
v.)	
)	
KELLY FIELDS)	

MEMORANDUM ORDER

In this action, Defendant pleaded guilty to one count of wire fraud conspiracy, in violation of 18 U.S.C. § 1349. On November 14, 2008, this Court sentenced Defendant to a term of imprisonment of 100 months. At the time, charges were pending against her in Allegheny County. Subsequently, she pleaded guilty in state court to charges of theft by deception and bad checks. On March 5, 2009, the state court sentenced her to 11 ½ to 23 months, to run concurrently with her federal sentence. This Court's sentence was been silent regarding concurrent or consecutive sentences, as no state sentence had yet been imposed. Accordingly, Plaintiff did not receive credit for time served for approximately four months in 2009. As the Government suggests, granting Defendant's Motion would result in a release date of August 7, 2015, rather than December 24, 2015.

The Government represents that Defendant has filed a Request for Administrative Remedy with the Warden at USP Hazelton, in which she has requested the relief identified in the present Motion. It appears as though the administrative process has not concluded, and the BOP is presently determining whether to afford the relevant state institution nunc pro tunc designation. Although I have no objection to Defendant's federal sentence running concurrently with her state sentences, the better approach is to permit the Bureau of Prisons to assess the

pertinent circumstances, and allow the administrative process to run its course. This will avoid the unnecessary duplication of effort and expenditure of resources.

Defendant's Motion [130] is denied, without prejudice, pending the outcome of Defendant's administrative request for concurrent sentences. If Defendant wishes to reassert her request for judicial relief following the outcome of that process, she may do so.

AND NOW, this 14th day of March, 2013, IT IS SO ORDERED.

BY THE COURT:

/s/Donetta W. Ambrose

Donetta W. Ambrose

Senior Judge, U.S. District Court